



CITY OF BANGOR

TANYA EMERY
DIRECTOR

COMMUNITY & ECONOMIC DEVELOPMENT

BUSINESS & ECONOMIC DEVELOPMENT COMMITTEE

Tuesday, August 20, 2019 @ 5:15 PM
City Council Chambers

AGENDA

REGULAR AGENDA

1. Chapter 71 Revisions – Bangor Center Revitalization Area Map
2. **Executive Session** – 1 M.R.S.A. § 405 (6)(e) - 40 Nelson Street
3. 40 Nelson Street Zone Change
4. Lease Amendment – Stillwater Enterprises, Inc. (Memo provided separately)
5. Extension of Lease Agreement – Vicki Trundy (Memo provided separately)
6. **Executive Session** – Economic Development - Lease Negotiations – C&L Aviation Update - 1 M.R.S.A. § 405(6)(C) (Confidential Memo provided separately)
7. Other Business



CITY OF BANGOR

Memorandum

To: Business & Economic Development Committee

From: Tanya Emery, Director of Community and Economic Development

Date: August 13, 2019

Re: Chapter 71 – Bangor Center Revitalization Area

The City has what is commonly referred to as a “façade district.” This is an area, governed by Chapter 71 of the Code of the City of Bangor, in which there are standards for the rehabilitation of buildings. This is done generally to ensure architectural compatibility with surrounding buildings, many of which are historic, and to promote revitalization of this core area of the City. Proposed changes to buildings in this area are reviewed by the Historic Preservation Commission, even though the work is not “historic preservation” so much as ensuring compatibility with the historic buildings nearby.

The attached ordinance would replace the official map of the façade district with a more precise, easy to read version. It would also correct several errors left over from the extensive changes made to Chapter 71 in May.

**CITY COUNCIL ACTION**

Council Meeting Date: August 26, 2019

Item No:

Responsible Dept: Legal

Action Requested: Ordinance

Map/Lot: N/A

Title, Ordinance

Amending Chapter 71, Bangor Center Revitalization Area, by Replacing the Official Map and Correcting Several Errors

Summary

This ordinance amendment would replace the official map of the City's Bangor Center Revitalization Area, sometimes referred to as the façade district, with a more precise, easy to read version. This will help improve the accuracy and readability of the map. The boundaries of the Area will not change. The amendment also clarifies that the Area only includes parcels, not rights-of-way. This is in keeping with with current practice.

This amendment would also correct several errors found in Chapter 71, the portion of the City Code dealing with the Bangor Center Revitalization Area. Chapter 71 was amended and replaced in its entirety in May. As is often the case with major ordinance revisions, there are a few errors that should be corrected. Furthermore, one ordinance change dealing with signs in public parks that was passed shortly before the major revision was not accounted for in the final version; this ordinance amendment would correct this oversight.

Committee Action

Committee: Business and Economic Development

Meeting Date: August 20, 2019

Action:

For:

Against:

Staff Comments & Approvals

City Manager

City Solicitor

Finance Director**Introduced for:** First Reading and Referral



CITY COUNCIL ORDINANCE

Date: August 26, 2019

Assigned to Councilor:

ORDINANCE, Amending Chapter 71, Bangor Center Revitalization Area, by Replacing the Official Map and Correcting Several Errors

WHEREAS, the attached Exhibit A represents a more precise, easy to read version of the official map of the Bangor Center Revitalization Area than the former official version;

WHEREAS, Chapter 71 was amended in its entirety in May of 2019; and

WHEREAS, the amended version of Chapter 71 had several errors which should be corrected;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BANGOR AS FOLLOWS, THAT

Chapter 71 of the Code of the City of Bangor is amended as follows:

§ 71-3. Area designated on map.

The Bangor Center Revitalization Area (hereinafter "Area") shall encompass and include all ~~properties~~ parcels located within the boundaries delineated on the Bangor Center Revitalization Area Map attached hereto as Exhibit A and incorporated herein by reference.

...

§ 71-12. Minor Alterations and Revisions.

- A. For purposes of this section, a "Minor Alteration or Revision" is one which does not materially alter or affect the improvements approved by the Design Committee in material or other element noted in review. The replacement of signs or the installation of new signs consistent with ~~§ 71-20~~ § 71-22 shall be deemed a Minor Alteration or Revision.

...

§ 71-13. ~~Signs.~~ Application for sign; approval or disapproval.

...

§ 71-18. Exterior walls (front, side and rear).

...

- (9) Existing wood siding materials, in sound condition and permissible under the provisions of ~~Chapter 113~~ Chapters 81 and 82, ~~Building Construction~~, of this Code, shall be cleaned, stripped and painted,

if necessary.

. . .

§ 71-22. Signs.

All signs other than those allowed in Chapter 231-8, Public Parks, must comply with this section and with the regulations contained in Chapter 260, Signs.

. . .

B. Minimum design standards.

. . .

- (12) Neon tube signs are permitted in the form of a neon graphic where a light symbol is supplied by neon tube which is bent to form letters, symbols and other shapes, permitted only as single tubes on flat signs above a show window and on the inside of and behind show windows as provided for herein and as provided for in ~~§ 71-21B(4)(f)~~ § 71-23B(4)(f) of this chapter.

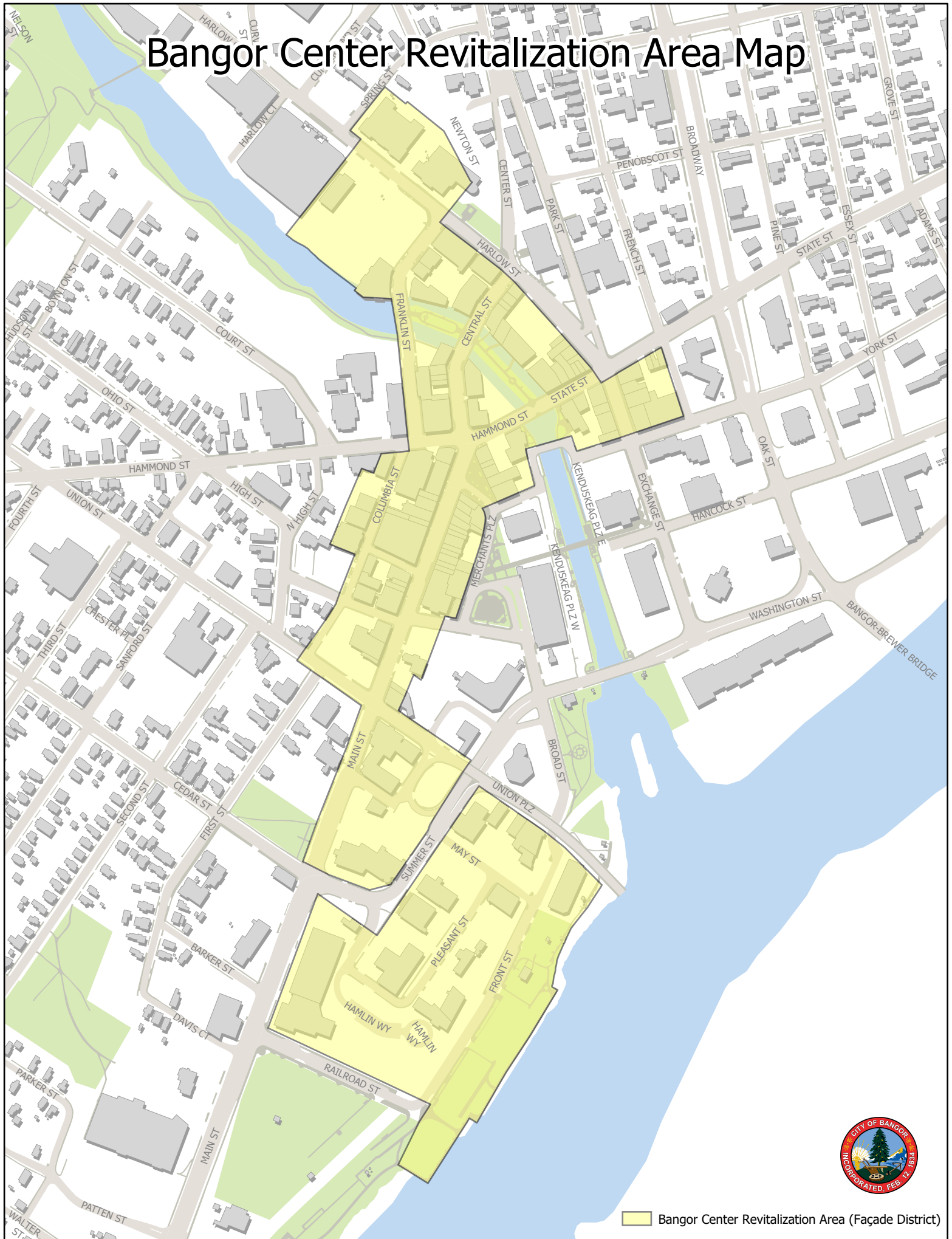
. . .

§ 71-27. Board of Appeals.

- A. All appeals concerning any decision, order, rule or failure to act under the provisions of this chapter shall be heard and decided by the Board of Appeals (as established under ~~Chapter 6~~ Chapter 23, Article I of this Code) in accordance with the provisions contained herein. The word "Board" when used in this chapter shall be construed to mean the Board of Appeals.

Additions are underlined, deletions ~~struck through~~.

Bangor Center Revitalization Area Map



 Bangor Center Revitalization Area (Façade District)





CITY OF BANGOR

Memorandum

To: Business & Economic Development Committee

From: Tanya Emery, Director of Community and Economic Development

Date: August 13, 2019

Re: 40 Nelson Street zone change

In July, the Planning Board and City Council rejected the City's request to change the zoning of a parcel of land we own at 40 Nelson Street (Map-Lot 031-051-A). This parcel was acquired by the City with CDBG Neighborhood Stabilization Funds, and there was a home on the property at one time. The previous application was to request to change the entire parcel to Urban Residence 2 district, from the current split zone (Urban Residence 1 on the front portion and Parks & Open Space on the rear portion).

After reviewing the feedback from the public, Planning Board, and City Council, staff now request consideration of returning the entire parcel to URD-1, which would allow for one-family detached dwellings rather than multi-unit residential development. This application has been submitted to the Planning Board, but we wanted to update you as well.

The City Engineer completed a review of the site for sight distances, and that memorandum is attached. The zoning request (to URD-1) is consistent with the Comprehensive Plan, as noted in the attached memo submitted to the Planning Board in support of this application. Staff see this as an opportunity for infill development, and seek the Committee's support on this application.

The diagram on the following page shows the existing zoning for reference. The light yellow is URD-1 (the homes at 50 and 58 Nelson, as well as 39, 37, 33, etc. across the street). The orange color is URD-2 (11 Drummond, 199 Ohio).





COMMUNITY & ECONOMIC DEVELOPMENT

CITY OF BANGOR

PLANNING DIVISION

Memorandum

To: *Planning Board*
From: *Tanya Emery, Director of Community and Economic Development*
Date: *July 26, 2019*

RE: *Request for Zone Change at 40 Nelson Street from Parks & Open Space (P& O) District to Urban Residence 1 District*

Thank you for placing the above noted item on your agenda for August 6, 2019. The City Manager has asked to return this application for further analysis of new testimony. Your continued deliberation on this matter is appreciated.

Please note the following:

- A. The Finance Committee, at their meeting on Monday July 15th, 2019, voted to retain the parcel as city property and not sell to an abutter. The City Manager is preparing the property for sale to a private entity for residential development.
- B. It is understood the grades of this parcel challenges development. In working with City Engineer, he has indicated that a driveway accessing the lot would be acceptable. See attached memorandum from the City Engineer dated July 23, 2019.
- C. The area around the lot is all residential with a few exceptions. In looking at the environs of a little over 7 acres, there are 43 lots; thus the average lot size has a typical urban density of .17 acres. This proposed lot exceeds this average.
- D. Staff sees this project as consistent with the Comprehensive Plan as shown below in the Physical Development Plan:

GOAL NO. 2 - The achievement of the most functional spatial arrangement of activities in the community.

Objective

The City of Bangor shall adopt land use controls, to minimize conflicts between incompatible activities.

Recommended Policies

- 2. *The City shall encourage infill projects on vacant land in serviced sites within the urban area.*

This project is defined as an infill development proposal where city services are available.

Most notably, the Zoning Policy from the Physical Development Plan shows the area as Urban Residence and Parks & Open Space as well. The zoning in the environs is a mix of URD-1 and URD2 with a couple of exceptions for Neighborhood Service and Institutional.

Thank you for your continued consideration of this request.

To: Files
From: Engineering Department, John Theriault, PE, PTOE
Date: July 23, 2019

Re: Intersection Sight Distance Review – 40 Nelson Street, City Lot 031-051-A

The Community and Economic Development Department requested that the Engineering Department review the available intersection sight distance at the existing driveway to 40 Nelson Street. The existing driveway is located on the inside of a horizontal curve and Nelson Street has an average grade of about 16 percent within the vicinity of the driveway. The vegetation surrounding the driveway is quite overgrown which limits the current intersection sight distance. The speed limit on Nelson Street is 25 MPH.

Jeff LaBree and I conducted a field visit to the City parcel on Tuesday July 23, 2019 to measure the available intersection sight distance at the driveway. Sight distance measurements were taken at 10' from the edge of the roadway with a height of eye at 3'-6" and at the center of the travel lane in each direction with the height of object being 4'-3" above the pavement in accordance with MaineDOT criteria.

At the existing driveway, the available intersection sight distance looking to the left (north direction) was around 330 feet. This measurement presumed that the vegetation currently restricting sight distance at the driveway could be easily removed. 330 feet of intersection sight distance is appropriate for a speed limit of 35 MPH according to MaineDOT guidelines.

The intersection sight distance looking to the right (south direction) from the driveway was estimated at about 160 feet. This measurement also presumed that the existing vegetation currently restricting sight distance could be easily removed. This available sight distance is appropriate for a posted speed limit of 20 MPH. Additional intersection sight distance may be gained with additional grading of the driveway and by removing an existing high spot on the parcel that restricts line of sight in the southerly direction. It may be possible that with some regrading work, intersection sight distance to the south may be increased up to 200 feet which would accommodate the posted speed limit of 25 MPH.

Sincerely,

John Theriault, PE
Bangor City Engineer

Memorandum

To: Members of the Business and Economic Development Committee

From: Stephen A. Bolduc, Executive Manager

Date: August 20, 2019

Subject: Amendment to the Lease Agreement with Stillwater Enterprises, Inc.

Issue

Stillwater Enterprises, Inc. has exercised its option to extend its lease of land and building at 108 Florida Ave. for one (1) year. Stillwater Enterprises, Inc. has agreed to a rate of \$1,610 per month. Stillwater Enterprises, Inc. will be responsible for all utilities. All other terms and conditions of the lease agreement will remain unchanged.

Background

Stillwater Enterprises, Inc. is a custom metal fabrication business that has been a tenant since 2007. They manufacture special orders for general contractors and architects from sheet, solid or tubular stock metal. They also create custom products such as tidal energy structures, stair railings, elevator ladders, security doors, wheel chair ramps and fire escapes.

Recommendation

This amendment has been reviewed with the Airport Dept., and staff recommends its approval under the terms and conditions outlined above.

Memorandum

To: Members of the Business and Economic Development Committee

From: Stephen A. Bolduc, Executive Manager

Date: August 20, 2019

Subject: Extension of Lease Agreement with Vicki L. Trundy, LCSW

Issue

Vicki L. Trundy, LCSW wishes to extend a lease of a single office at 39 Florida Ave., Bangor for operation of a counseling business. Hannaford Bros. occupies the remainder of the office building. Ms. Trundy has leased the office since 2006 and has accepted the terms of this proposed agreement.

Premises:

- a) Office J at 39 Florida Ave. 155 sq. ft.
- b) Shared use of the building's common areas with the other tenant.
- c) Right to use the driveway, use of one (1) parking space and use of the parking area in the rear of 39 Florida Ave.

Term: One (1) year, from September 1, 2019 to August 31, 2020

Rate: \$181.34 per month

Use: The premises will be used as a business office and for no other purposes without the consent of the City of Bangor.

Utilities: The City of Bangor will provide utilities furnished to the premises as listed: electricity, fuel oil, natural gas, storm water fees and water and sewer user fees.

Maintenance: The City of Bangor will be responsible for all maintenance of interior and exterior portions of the building. Hannaford Bros. Co. will be responsible for the cleaning of the common areas. The tenant is responsible for cleaning the rented office.

Taxes: Property taxes are the responsibility of the City of Bangor.

Insurance: The tenant will provide public and property damage liability insurance.

Recommendation

Staff recommends approval of this lease agreement under the terms and conditions outlined above.